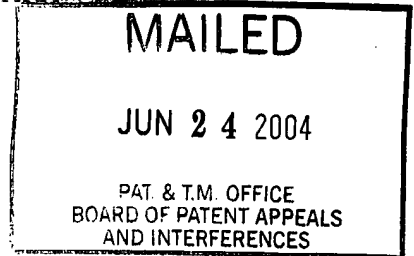UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASATO SUMIKAWA and KAZUMI TANAKA

Application No. 09/782,180

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of
Patent Appeals and Interferences on May 10, 2004. A review of
the application has revealed that the application is not ready
for docketing as an appeal. Accordingly, the application is
herewith being electronically returned to the examiner. The
matters requiring attention prior to docketing are identified
below.

On January 29, 2004, appellants filed an Information
Disclosure Statement (IDS). In a paper entered on May 7, 2004,
the examiner only stated that the IDS has not been considered.
The examiner must consider the IDS submitted or notify appellants

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of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, it is not clear whether the examiner's response to appellants' reply brief filed May 7, 2004, was mailed to the appellants (no mailing address on form). Appropriate correction is required.

Accordingly, it is

ORDERED that this application be electronically returned to the examiner for: 1) consideration of the Information Disclosure Statement; 2) appropriate written notification by the examiner to appellants of such consideration; 3) mailing of examiner's response to the appellants' reply brief; and 4) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____

Kimberly Jordan
Program and Resource Administrator
(703)308-9797

Application No. 09/096,684

cc: Birch, Stewart, Kolasch & Birch
     P.O. Box 747
     Falls Church, VA 22040-0747

KJ/tdl/mh
RA04-0610